

1992

No Bond

A bond would have protected our family from that described in my letter to the bar of January 23, 1993. What I described, as I heard it, made me want to withdraw my complaint to protect our family.

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
(703) 971-2855
January 26, 1993

Mr. James M. McCauley
Assistant Bar Counsel
Virginia State Bar
Eighth and Main Building
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2803

Re: In the Matter of Edward James White
VSB Docket #93-042-0976
Complaint received on December 7, 1992
Complainant: Anthony M. O'Connell

Dear Mr. McCauley:

When I made the above complaint, my basic understanding of who would be involved was the Virginia State Bar, Mr. White, who is a member of the Virginia State Bar, and me, the complainant. Now I am concerned that my sister is "more or less" involved as Mr. White describes it, and that any defense attorney and related expenses incurred by Mr. White will be charged to my Mother's estate.

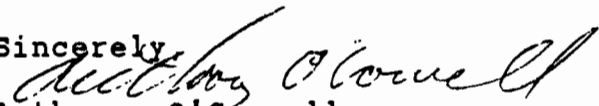
As I mentioned in my complaint, Mr. White and my sister, Ms. Jean Nader, are presently serving without surety as co-executors of my mother's estate. I understand if I had filed a complaint in a civil court, I would also have to charge my sister, and, because Mr. White is serving without surety, he could charge any defense attorney and related expenses against my mother's estate. I did not think those same rules applied in a complaint to the Virginia State Bar. Am I wrong?

If Mr. White can use estate funds for his defense expenses, do I have the option of dropping the complaint? Would the Virginia Bar have the power to prevent Mr. White from using these funds if the Bar, after making their judgement on the complaint, considered his use of those funds unfair?

In your opinion, how much is this use of estate funds by Mr. White up to the discretion of my sister, the other co-executor? After my two day visit and discussion with her last weekend (Mr. White had sent her a copy of the complaint), it is my personal feeling that she believes any problem in the execution of the estate was caused by me and she, I believe, would do most anything Mr. White asked unless shown a rule to the contrary.

Any answers you can give me would me most appreciated. I thank you in advance.

Sincerely,


Anthony O'Connell

RECEIVED JUL 12 1993

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-5444

July 7, 1993

Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Since you represent Mr. Anthony O'Connell, who has once more indicated his displeasure with the administration of this estate, we feel it is best to communicate with you before any precipitous action is taken.

The estate remains undistributed at this time for several reasons. First, no closing letter has been received from the IRS. Second, an amendment to the estate tax returns was filed at the end of June reflecting the existence of a CD which had not been discovered until recently (see IRS correspondence attached).

The first accounting, which was filed in October, 1992 (approximately three months before it was due) was approved on March 20, 1993. The delay apparently being inherent in the Commissioner's office. Debts and Demands were requested on November 13, 1992 and final action was taken by the Commissioner on them on December 30, 1992. A request for discharge of liability letter was sent to the IRS on April 18, 1993. On the same date an informal request as to the cause of the delay was sent to the IRS.

The Philadelphia office of the IRS has spoken to Mr. White on several occasions and is "checking" on the status of things.

As is true in any estate at this point, the following needs to be done:

1. Receive closing letters for the original and amended returns.
2. File a Motion to Show Cause for distribution.
3. Have an Order to Show Cause entered after due publication.
4. Present the Order of Distribution.
5. File the fiduciary income tax returns for the period

ending August 31, 1993.

6. Distribute the estate.

7. File the Second and Final Accounting. (Assuming that the tax matter is cleared so that a Third accounting is not needed.)

As was stated in Mr. White's letter to you of December 16, 1992, no distribution will be made until a final order is entered. If this is not the usual and customary procedure in Virginia, we would appreciate being enlightened.

The bulk of the estate is held in A. G. Edwards and is invested in various accounts, copies of the income from which are attached. The only major financial transaction of the estate which has occurred was in February, 1993 when Signet stock was sold at a gain of more than twice its value. Any claim that the Estate is losing money is spurious.

Mr. O'Connell recently has requested to know how much was charged for the preparation of the amended return. The answer is zero, since Mr. White prepared it as well as the original returns, even though that task is often given to accountants.


Mr. O'Connell's serious accusations against Mr. White, which he lodged with the Virginia State Bar were categorized by the Bar as having "no basis in fact or in law".

Mr. O'Connell's latest request to replace one of the Co-Executors has been denied.

The filing of a law suit is the prerogative of any person, however in this case, the estate will obviously hire counsel to defend itself (which will be a cost of administration) and will assert all possible defenses including Va. Code Ann. Section 8.01-271.1.

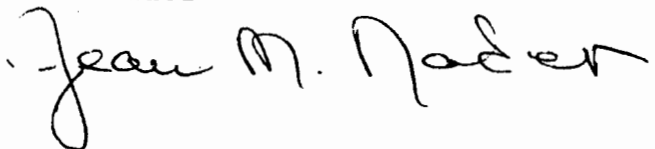
We would request that Mr. O'Connell be counseled as to these matters.

Sincerely,



Edward J. White

Jean M. Nader



EJW/e
Encl.

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
October 31, 1993

Mrs. Jean Nader
350 4th Avenue
New Kensington, Penn 15068

Dear Jean,

As you know, you and Mr. White are serving without bond as co-executors of mother's estate.

Would you please get bonded as soon as possible in order to protect our inheritance? I can not stress the importance or urgency, of getting bonded, enough. In the event that Mr. White will attempt to talk you out of it, I hope you will persevere.

Sincerely,

Love
Tony
Tony

Copy: Ms. Sheila O'Connell

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
—
TELEPHONE 836-5444

November 5, 1993

Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

On October 29, 1993, Judge Bach entered the Order of Distribution, a copy of which is enclosed.

I am also enclosing the full financial history of the estate including receipts and disbursements from which the final accounting will be prepared, as well as the statements from A. G. Edwards and the mutual funds which will give the approximate value of the assets on hand.

Mr. O'Connell had expressed the desire to be paid in cash, but now has stated to Mrs. Nader that he desires to have the stocks and funds distributed to him. His sisters also desire an in kind distribution. As long as all three want the same thing, I have no problem with in kind or cash distribution.

The commission requested will be 5% of the assets and income received by the estate. Items upon which no commission is due are noted in the Receipts listing. Mrs. Nader has stated that she does not want a commission. Since we took a deduction for the full 5% commission on the 706 and saved money thereby, Mrs. Nader is going to split her share three ways less the income tax which she will pay on it.

The second fiduciary return will be ready next week and copies will be distributed as soon as I receive it.

I wish I could end this letter at this point, but there are some other matters which I did not think would arise after Mr. O'Connell's civil tone in his letter of June 30 and my reply.

Enclosed is a copy of Mr. O'Connell's letter to the Commissioner of October 25, 1993. (Earlier he had written the Commissioner requesting that I be denied reimbursement from the estate for expenses in defending myself from his charge to the Bar. I wrote Jesse Wilson that I never entertained seeking such

payment.) On October 27, 1993, I wrote Jesse and told him that you were representing Mr. O'Connell or at least advising him.

Next, I was informed by Mrs. Nader last week that Mr. O'Connell has demanded that we be bonded. The will flatly states otherwise and to do so would be in violation of our office.

I will admit that I am furious about this continual petty harassment. From inception of this estate including the time that his sisters gave him the vehicle and I merely asked for a receipt so that a proper accounting might be filed, Mr. O'Connell has tried one stunt after another to disrupt the flow of administration, notwithstanding my repeated attempts to calm him down.

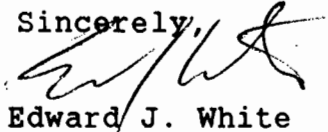
I am including Mr. O'Connell's complaint to the Virginia State Bar and the Bar's reply. I have omitted the 44 pages of enclosures he filed. His outright malicious lies about me (Page 7: "to deliberately mislead a seventy-nine year old woman", "abuse of the fiduciary trust" and "license to steal") in his complaint to the Bar are unforgivable and most decidedly actionable. In this regard please inform him that I would accept a full written apology for these remarks and let the matter drop even though no one has ever made such a statement about me.

I am fully aware of the root cause of all of this; however, it is not my fault that Miss Jo Ann Barnes refused to serve as a Co-Executor with Mr. O'Connell or that his mother came to me and directed his removal from that clause of the will.

I would fervently pray that he be counselled insofar as possible to let this estate be wound up in a normal fashion. He does not have to like me; he needs only to get off my back.

I assume that if he does not let matters drop, the next step will be to try and deny all or part of the commission due. I have spent well over 110 hours in this case without any payment of any sort and will most certainly expect to be paid the customary commission (2 1/2%) which I have explained to Mr. O'Connell in the past, provided it is approved by the Commissioner.

Sincerely,



Edward J. White

EJW/e